STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge, No. 18	NOTICE OF FORMAL PROCEEDINGS

TO: JUDGE NOEL CANNON

It appearing that from April 10, 1963 to the present, you have been a Municipal Court Judge of the Los Angeles Judicial District; and

Preliminary investigation having been made, during the course of which preliminary investigation you were afforded a reasonable opportunity to present such matters as you chose, and this Commission as a result of said preliminary investigation, having concluded that formal proceedings to inquire into the charges against you shall be instituted.

NOW, THEREFORE, you are hereby charged with willful misconduct in office and with conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

The specificiations of the charges and the alleged facts upon which such charges are based are as follows:

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COUNT ONE

You are charged in Count One with willful misconduct in office:

A. You have abused your contempt power, and thereby infringed upon the constitutional right of criminal defendants to effective assistance of counsel, to wit:

1. On November 30, 1972, during cross-examination of a witness by Deputy Public Defender Tod Ridgeway in the preliminary hearing of People v. Harold Leroy Lovin and Donald R. Fisher, Case No. A-290837 (a burglary charge), the following occurred:

"Q [Mr. Ridgeway] Was the credit card that you saw after you removed his wallet -- was it a Tropicana credit card?

"A [Police officer] I don't recall which card it was.

"Q I will name off the credit cards and try to --

"THE COURT: You will not name off the credit cards. Please proceed with another question.

"Q Was it a Sands credit card?

"THE COURT: Perhaps you didn't hear the Court's ruling, Mr. Ridgeway.

"MR. RIDGEWAY: I think --

"THE COURT: Answer the question. Did you or did you not hear the Court's ruling?

"MR. RIDGEWAY: Yes, Your Honor. I heard the ruling. I think --

"THE COURT: Then you are asking -- are you asking for what I think you are asking for? I have gone through this yesterday. You had your last chance. Today is the day, and I think now is the time. Are you ready?

"MR. RIDGEWAY: I don't understand, Your Honor.

"THE COURT: Take Mr. Ridgeway into custody. Get another Public Defender forthwith."

You ordered another Deputy Public Defender to represent the defendant during the balance of the hearing.

In holding Mr. Ridgeway in direct contempt, you did not comply with the requirements of Code of Civil Procedure section 1211 in that you did not make an order reciting the facts constituting the contempt and prescribing the punishment. Instead, you ordered the bailiffs to take Mr. Ridgeway forthwith to county jail. Mr. Ridgeway was placed in custody by your order in which you indicated that he was to be held without bail. You purged this contempt before a hearing on a writ of habeas corpus could be had in Superior Court.

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2. At about 10:15 a.m. on April 6, 1973, the preliminary hearing of People v. Payne, Glover, and Wells, Jr., Case No. A-295611 (an eleven count kidnap-rape-Penal Code section 288 case), was transferred into Division 36 of the Los Angeles Municipal Court. A conflict of interest had been declared, and Deputy Public Defender John L. Ryan was assigned to represent defendant Sylvester Payne. Private counsel had been previously assigned to represent the other two codefendants in Division 35. At about 10:30 a.m., the Clerk of Division 36 advised Mr. Ryan that Judge Nelson had dismissed this same matter several weeks prior and was inclined to transfer the present matter to another court. Mr. Ryan was concerned because of a possible conflict of interest due to another deputy public defender having represented defendant Wells on what appeared to be a similar charge on a prior occasion. The matter was transferred at about 10:45 a.m. to Division 38. Upon entering Division 38, Mr. Ryan advised you he would need time to prepare the case, and you suggested starting the hearing at 6 p.m. Because of the complexities of the case, Mr. Ryan determined that, among other things to do, he should prepare a written outline of the facts. Inasmuch as the "bail-out" room was holding a witness and the interview room was being occupied on a regular basis by Reverend Blackstone, Mr. Ryan proceeded to the court employees' lounge to begin his preparation of the case. At about 11:50 a.m., a deputy district attorney advised Mr. Ryan

that all parties were ordered back to the courtroom. As Mr. Ryan approached the courtroom, he was informed that a bench warrant, $25,000 bail, had been issued by you for him and was being held to 2 p.m. As Mr. Ryan and his supervisor, Paul James, approached the elevator to go into your chambers, a marshall took Mr. Ryan into custody and took him to Division 38. Mr. Ryan was taken into custody at about 12 noon and held in the court lock-up until released on a writ of habeas corpus. You ordered another deputy public defender to prepare the case. This preliminary hearing commenced at 6 p.m. and lasted to about 8:30 p.m.

In holding Mr. Ryan in direct contempt, you did not comply with the requirements of Code of Civil Procedure section 1211 in that you did not make an order reciting the facts constituting the contempt and prescribing the punishment. At the hearing on the writ of habeas corpus in the Superior Court, the petition for the writ was granted and Mr. Ryan was purged of contempt.

3. On May 3, 1973, in Division 38 of the Los Angeles Municipal Court, Deputy Public Defender Michael Karagozian was representing the defendant in the preliminary hearing of People v. Robert Paul Dunn, Case No. A-296476 (two counts of passing bad checks). During cross-examination of a prosecution witness, you held Mr. Karagozian in contempt and ordered the bailiff to remove Mr. Karagozian from the courtroom. You then

ordered another public defender to represent that defendant during the balance of the hearing. Mr. Karagozian was taken to the county jail and booked. He remained in the county jail until released on a writ. The foregoing contempt arose out of the following:

"Q [Mr. Karagozian] Now, this is two separate occasions; isn't that correct?

"A [Bad check victim] The two that were given to me as evidence, those are two of --

"Q Well --

"THE COURT: Let him finish.

"Now, Mr. Karagozian, I don't want you continually interrupting the witness.

"MR. KARAGOZIAN: That answer isn't responsive to my question, Your Honor.

"THE COURT: Mr. Karagozian, as I told you yesterday and as I have told you for the last time, that is for the Court to determine and not for you to determine. Do you understand that?

"MR. KARAGOZIAN: Yes, Your Honor.

"THE COURT: Will you oblige with the question and the portion of the answer, please, Miss Reporter?

"(Question and answer read.)

"THE COURT: Will you please finish your answer.

"THE WITNESS: The two that were given to me were given to me at the bar and signed in my presence.

"THE COURT: At one time or at two different times?

"THE WITNESS: Two different times.

"MR. KARAGOZIAN: May I continue, Your Honor?

"THE COURT: You may.

"All right. Mr. Karagozian, did you bring your toothbrush? Are you ready to suffer the consequences for being contemptuous to the Court, because that is what you are being?

"MR. KARAGOZIAN: Well, Your Honor, at this point I would like to say that I am trying to give the best defense possible that I can to my client.

"THE COURT: Mr. Karagozian, why don't you try opening your ears and closing your mouth for a bit. I have warned you, and you take no heed.

"Please rise.

"MR. KARAGOZIAN: Yes, Your Honor.

"THE COURT: Put your hands down to your sides.

"MR. KARAGOZIAN: Your Honor, at this time I would like to inform the Court that I am not a child, and that my demeanor --

"THE COURT: All right. You are held in contempt.

"Forthwith, Mr. Bailiff. Forthwith.

"Will you bring Mr. Kascoutas in, please. Take care of Mr. Karagozian forthwith.

"Mr. Kascoutas, will you please prepare Dunn forthwith."

In holding Mr. Karagozian in direct contempt, you did not comply with the requirements of Code of Civil Procedure section 1211 in that you did not make an order reciting the facts constituting the contempt and prescribing the punishment. Mr. Karagozian remained in jail by your order which set no bail until released on a writ of habeas corpus. At the hearing on the writ in Superior Court, the petition was granted.

4. On July 12, 1973, Deputy Public Defender Vernon L. Putnam was representing the defendant in the preliminary hearing of People v. Homer Moore, Case No. A-298498 (charges of violations of Health & Saf. Code §§ 11378, 11351, 11357). Mr. Putnam made a motion to have a particular police officer

excluded from the courtroom, indicating that he might call the officer as a defense witness. You accused Mr. Putnam of making "phony" motions and of lying to you. Stating that you were tired of these obstructionist tactics, you then held Mr. Putnam in contempt and appointed Deputy Public Defender Alfred Pine to represent the defendant. When Mr. Pine indicated a desire to call the police officer as a defense witness, you held Mr. Pine in contempt. You then appointed private counsel, James G. Corney, to represent the defendant. Mr. Corney had five minutes to prepare for the case. At the Superior Court level, the Public Defender's Officer was again appointed to represent the defendant.

In holding Mr. Putnam and Mr. Pine in direct contempt, you did not comply with the requirements of Code of Civil Procedure section 1211 in that you did not make an order reciting the facts constituting the contempt and prescribing the punishment. Mr. Putnam and Mr. Pine were in jail by your order in which you set bail in the amount of $25,000 until released by writs of habeas corpus. You purged these contempts before hearings on the writs could be had in Superior Court.

5. On occasion, you have ordered deputy district attorneys and deputy public defenders not to leave your courtroom unless excused by you. In September, 1972, during a noon break, Deputy Public Defenders William Breitweiser and Allan Kleinkopf went to the Public Defender's Office and advised their supervisor

that they had no further cases scheduled in your court for that day. The supervisor, Paul James, directed the attorneys to leave a note with the Clerk of that court as to their whereabouts and to leave the courtroom if they had other business.

Mr. Kleinkopf, having left the court, was later taken into custody by the court bailiff and placed in custody with $5,000 bail. He was then taken to the court in custody and placed in a chair with his back to you. After 15 minutes in such a position, Mr. Kleinkopf was released after his supervisor, Paul James, furnished an explanation to you.

B. You have unlawfully interfered with the attorney-client relationship by relieving counsel of record and appointing new counsel, to wit:

1. The allegations contained in paragraph A, subparagraphs 1 through 4, supra, and in paragraph D, subparagraph 1, infra, are hereby incorporated by this reference as if fully set forth herein. In none of these cases (People v. Lovin and Fisher, Case No. A-290837; People v. Payne, Glover, and Wells, Jr., Case No. A-295611; People v. Dunn, Case No. A-296476; People v. Moore, Case No. A-298498; and People v. Conway, Case No. A-297965), did the defendants or initial counsel of record make application for or consent to the substitution of new counsel. Instead, you took the initiative in these cases and did so in such a way as to preclude prior consultation

between each defendant and his initial counsel of record. No prior notice of the impending substitution was given to the initial counsel of record so as to allow them an opportunity to discuss these matters with their clients and to advise them.

2. Private counsel Walter Louis Kroneberger, Jr., was retained by the defendant in the preliminary hearing of People v. Douglas Leroy Nelson, Case No. A-297879 (charge of violation of Pen. Code § 502.7(a)(4)(e)), held on June 25, 1973. Mr. Kroneberger indicated to you that he was not prepared to proceed for three reasons: (1) he filed an affidavit pursuant to section 170.6 of the Code of Civil Procedure, (2) he needed a continuance to properly prepare this case, and (3) he was physically sick. You ruled the affidavit was not in order and denied the motion for a continuance. You relieved Mr. Kroneberger at his request. You then appointed Deputy Public Defender William Weiss to represent the defendant. Mr. Weiss was relieved when he questioned the financial eligibility of the defendant for representation by the Public Defender's Office. You then appointed a second Deputy Public Defender, Allen Fleishman, who was intimidated by you into proceeding without the requested proper preparation time. When Mr. Fleishman attempted to explain his predicament, you stated: "Now, Mr. Fleishman, let's not have lying in open court like somebody in your office does."

3. Private counsel Joe Ingber was retained by the defendant in the preliminary hearing of People v. Robert Crane

Hughes, Case No. A-298342 (3 counts of bookmaking), held on August 27, 1973, in Division 38 of the Los Angeles Municipal Court. On that date, Mr. Ingber attempted to file an affidavit of prejudice in your court. You perfunctorily dismissed this affidavit and ordered Deputy Public Defender Steven Hauser to represent this defendant. Mr. Hughes was not eligible for Public Defender representation and had paid a retainer for Mr. Ingber's representation.

4. On June 26, 1973, in the preliminary hearing of People v. Clay Arlington Guess, Case No. A-297169 (charges of violations of Health & Saf. Code §§ 11360, 11359), the defendant stated that he had retained and had partially paid private counsel, Otis McCray, to represent him. You denied the defendant's request for a continuance and directed Deputy Public Defender Allen Fleishman to proceed in this matter. Although Mr. Guess was probably eligible for representation by the Public Defender's Office, you did not secure enough information from the defendant to make this determination.

C. You have acted unreasonably and arbitrarily in matters of bail-setting and the issuance of bench warrants, to wit:

1. On or about April 3, 1973, Richard Russo (a.k.a. Frank Darmiento) was scheduled to appear in Division 38 for a preliminary hearing on Case No. A-294989 (two counts of receiving stolen property and two counts involving narcotic violations).

He was on $500 bail. Dr. Jack Miller, Wadsworth Veterans Administration Hospital, both by telephone and confirming letter, advised you that Mr. Russo was in that hospital undergoing evaluation of symptoms appearing to be a form of meningitis. You issued an arrest warrant and set bail at $50,000. Mr. Russo was arrested at the hospital and removed over the doctor's objections. On April 17, 1973, at the time of the preliminary hearing, you set bail at $50,000. On April 18, 1973, this matter was advanced on the Superior Court's calendar. At that time, Judge Jack Goertzen reinstated the original $500 bail and ordered Mr. Russo immediately released so he could return to the hospital.

2. On September 25, 1972, defendant Kenneth Williams appeared in Division 30 for a preliminary hearing on a robbery charge in Case No. A-288440. Although Mr. Williams had been in custody for 10 court days and the People had not subpoenaed their witnesses, a one-week continuance was granted to October 2, 1972, over defense objection. On September 27, 1972, a petition for writ of habeas corpus having been filed, Superior Court Judge Thomas Murphy dismissed the case (the District Attorney not opposing) and ordered Mr. Williams released. You were served with a copy of the minute order of dismissal. Mr. Williams appeared in Division 30 on October 2, 1972, and was immediately taken into custody and put in lock-up upon your order. Several times, Deputy Public Defender Alan Kleinkopf

tried to get you to reconsider and was told not to bring that issue before you at that time. More than five and one-half hours later, you released Mr. Williams. At all times on October 2, 1972, you were aware of Judge Murphy's order dismissing the case.

3. On March 19, 1973, Deputy Public Defender Raymond Newman was representing Johnny Brooks on a burglary charge in Case No. A-289113, scheduled for a preliminary hearing. The District Attorney was unable to proceed because of a missing witness who was, in fact, dead. Mr. Newman requested you to hear his formal written motion (properly noticed) to dismiss the case for lack of prosecution. You denied the motion without hearing any argument and continued the preliminary hearing to March 21, 1973. On that date, the case was dismissed. But when Mr. Brooks would not stipulate to probable cause, you ordered Mr. Brooks back into custody at about 9:30 a.m. The District Attorney was ordered to ascertain if Mr. Brooks had anything to do with the witness' death. Later during the noon hour, the case was again dismissed and Mr. Brooks was released.

4. On March 15, 1973, defendant Michael Rene Alcorn appeared in court in Case No. A-294895 as Deputy Public Defender Vernon Putnam made a motion under section 604 of the Welfare and Institutions Code, to certify Mr. Alcorn to Juvenile Court on certain counts of a multiple-count complaint set for preliminary hearing. You certified the defendant to Juvenile

Court on those counts. However, when objection was made to continuing the preliminary hearing on the other counts, you vacated the certification and revoked bail. When the defendant and his mother exclaimed: "Oh, no!" you found them both in contempt, setting $100,000 bail each. The defendant and his mother were in custody for almost an hour until you quashed the contempts and reinstated bail and reinstated the certification to Juvenile Court. You then asked if there was any objection to having the other counts continued. Under the circumstances, no objection was stated.

5. On May 18, 1973, defendant Charles A. Morris was scheduled for a preliminary hearing in Case No. A-296950 (a burglary charge). At about 10:15 a.m., the bailiff informed you that Mr. Morris was in Department 115 of the Superior Court about to commence a jury trial on another matter and that the Superior Court judge would not release him for the purposes of his scheduled preliminary hearing. You immediately issued a bench warrant in the sum of $25,000 after revoking the previously set bail.

6. In the case of Gwendolyn Marie Favors, H.C. 170243, the defendant was brought to your court on May 22, 1972, for purposes of arraignment and bail-setting on a murder charge. Defense Counsel Richard G. Hirsch attempted to file an affidavit of prejudice pursuant to section 170.6 of the Code of Civil Procedure. You refused to permit such a filing and

denied bail. Mr. Hirsch then filed a petition for writ of habeas corpus in Department 100 of the Superior Court. On May 24, 1972, Superior Court Judge James G. Kolts ruled that you improperly refused to accept the affidavit of prejudice. Judge Kolts denied the petition on the basis that the defendant had not exhausted her rights in the Municipal Court since the bail motion could properly be heard in Division 42 of the Municipal Court.

Mr. Hirsch then discussed the matter of bail with the District Attorney's Office and the investigating police officer, both of whom indicated that they were not opposed to having bail set in the amount of $10,000. On May 24, 1972, when these facts and the reasons for the bail recommendation were related to you, you again refused to set bail in any amount whatsoever. You also refused to transfer the matter to Division 42. On May 26, 1972, Superior Court Judge Kolts granted a motion to set bail in the amount of $10,000.

D. You have engaged in conduct calculated to instill in defense attorneys a state of submissiveness and fear so as to expedite preliminary hearings, thereby infringing on a defendant's constitutional right to effective assistance of counsel, to wit:

1. On July 6, 1973, Deputy Public Defender Maryanna Henley was representing the defendant in the preliminary hearing of People v. Earl Anthony Conway, Case No. A-297965

(charge of violation of Health & Saf. Code § 11359). During cross-examination of a police officer, Mrs. Henley gave an offer of proof that she was attempting to ascertain if the witness had made any efforts to find out whether the informant would be available at the time of trial. Without being given a ruling on this offer of proof, Mrs. Henley then asked the officer if he had inquired on the informant's future plans regarding his residence. You then twice asked Mrs. Henley the following question: "Did you bring your toothbrush?" When Mrs. Henley vainly attempted to clarify as to what line of questioning she was not permitted to pursue, you stated:

> "You heard the record. We have had the record read. If you can't tell from that, you are not qualified to represent the defendant."

You then relieved Mrs. Henley and appointed a new public defender to represent Mr. Conway.

2. On February 23, 1973, prior to the preliminary hearing of People v. Michael Ramirez Mendoza, Case No. A-293950 (charge of violation of Pen. Code § 261.3), you made statements in chambers to several deputy public defenders, including Bruce Dennison who was assigned to represent this defendant, that defense counsel asked too many stupid questions and you would not permit those questions to be asked in your courtroom. You made the following statements:

(a) "Don't ask whether he had a climax, because a woman cannot tell."

(b) "Don't ask that stupid question about whether he was circumcised."

(c) "If you are thinking of asking any outlandish questions, check with the people in lock-up to see how they would recommend the food in county jail for the weekend."

3. On May 8, 1973, during the preliminary hearing on People v. Irma Davis and Virgil Ralph Timmons, Case No. A-296576 (a burglary charge), a witness named Virginia Brown twice denied that she could identify either defendant because she did not see the burglar's faces. Deputy Public Defender Gary Yano objected when the deputy district attorney asked for a third time whether the witness could identify the defendants, but you overruled the objection. The deputy district attorney asked the question a fourth time and the witness again testified that she did not see their faces. When the deputy district attorney began to ask the question a fifth time, Mr. Yano objected on grounds of "asked and answered." You then made a veiled threat of holding Mr. Yano in contempt by saying, "You heard the ruling on that, Mr. Yano. You want to have another ruling?" You then instructed the deputy district attorney to ask the question again, telling Mr. Yano in a patronizing manner to "sit there and be quiet on this question." Later during the

preliminary hearing, when it was discovered that a crucial prosecution witness was not present in court, Mr. Yano requested that the matter be continued until 1:30 p.m. You then said to Mr. Yano, in open court and in front of his client, "Why don't you use your head once in awhile."

E. You have abused the prerogatives of your high office, to wit:

1. At about 7:45 a.m. on November 30, 1972, Officer Richard G. Fagin spoke to you at the intersection of Spring and Arcadia Streets in Los Angeles about your excessive use of the horn of your vehicle. At your behest, Officer Fagin, Sergeant P. B. Holmes, Lieutenant J. W. Holcomb, and Captain J. D. Munger, all of the Los Angeles Police Department, spoke to you in your chambers later that morning. In these conversations, you were profane, vulgar, vicious, and abusive.

2. In the years 1972 and 1973, you have directed your bailiffs to perform personal errands for you such as shopping, getting your car serviced, acting as your chauffeur in taking you to and from the airport, doctor, stores, and other places not connected with your judicial responsibility.

3. On or about January 18, 1972, Deputy Public Defender Steven Sindell was in your court on a preliminary hearing. While another preliminary hearing was in progress, through the bailiff, Mr. Sindell requested and obtained your permission for him to leave to go to the restroom. When Mr. Sindell was at the

urinal, the bailiff looked to make sure that Mr. Sindell was, in fact, urinating. When asked about this by Mr. Sindell, the bailiff replied that he was following your instructions.

4. In December of 1973, Los Angeles Police Department Officer Steven Laird was in your court in a preliminary hearing when the defendant was charged with a violation of section 245 of the Penal Code. During the victim's testimony, you interrupted the proceedings and requested the police reports. After the deputy district attorney gave you the police reports, you read them and dismissed the case. At that point, Officer Laird walked to the counsel table to ask the deputy district attorney what was going on.

You then directed Officer Laird, the deputy district attorney, and the investigating officer to approach the bench. There you stated: "Your victim is nothing but a liar, a cheat, and deserves to be shot." When Officer Laird attempted to explain the circumstances to you, you stated: "Don't tell me the law, the law is wrong, shut up, you're nothing but a male chauvinist pig, brainwashed by that department of yours." You told them to sit down and indicated that you would talk in your chambers.

About thirty-five minutes later, a recess was called and you ordered the three into your chambers. You stated: "Don't you think I have an apology coming?" When Officer Laird asked what for, you replied: "For your actions out in the courtroom." Officer Laird apologized. You inquired of Officer

Laird: "What are you apologizing for?" Officer Laird answered: "I don't know, for my actions in the courtroom."

5. On August 30, 1972, Deputy Public Defenders Jon Hopkins and John Ash were handling arraignments in Division 40. That morning, the complaints were slow in arriving and so they were hampered in their interviews with their clients. As a result, they were slower than usual in preparing the arraignments.

You become infuriated at this delay. You swore Mr. Ash and Mr. Hopkins in as witnesses and required them to explain the reasons for their delay under oath. You then ordered the bailiff to keep them in the lock-up while they interviewed their clients. They remained in the lock-up from about 10:20 a.m. until noon and from 1:30 p.m. until 4:30 p.m.

F. You have engaged in curt and rude conduct by deliberately ridiculing qualified members of the Bar without cause, to wit:

1. On July 31, 1973, the preliminary hearing of People v. James Allen Elliott, Case No. A-299029, was dismissed. After this dismissal, you attempted to get Mr. Elliott to stipulate to "reasonable cause" for his arrest. When Mr. Elliott would not so stipulate, you became very angry at his attorney, Deputy Public Defender Ivan Klein. You asked the deputy district attorney for the arrest report and read it. You then asked Mr. Klein if he had read the report. You then ordered Mr. Klein

sworn as a witness and asked, "Do you now swear that you read this complete report out loud verbatim to the defendant?" You then questioned Mr. Elliott, and each time Mr. Klein attempted to advise his client he was ordered to be quiet. You also inquired as to Mr. Klein's legal training:

Judge: "And what is your legal training?"

Mr. Klein: "I am a graduate of the USC Law School."

Judge: "When were you admitted?"

Mr. Klein: "June."

Judge: "June of what year?"

Mr. Klein: "This year."

Judge: "How long have you been in practice?"

Mr. Klein: "Approximately six weeks."

Judge: "Six weeks and you are telling me you know everything there is to know about the law?"

Mr. Klein: "I have made no such representation."

Judge: "Quiet, quiet."

2. On April 11, 1973, in Division 38 of the Los Angeles Municipal Court, private counsel Joseph L. Shalant was representing the defendants in the preliminary hearing of

People v. James Walter King and Willie Wayne Hays, Case No. A-291343 (three counts of narcotic violations). During this preliminary hearing, Mr. Shalant attempted to traverse a search warrant. After the noon recess had begun, you engaged Mr. Shalant in a conversation in the presence of his two clients. In this conversation, you stated how ashamed you were of Mr. Shalant, that Mr. Shalant was acting so badly that you wanted to report Mr. Shalant to the State Bar. Before court commenced at 2 p.m., you engaged in a conversation with Mr. Shalant in the courtroom in the presence of his clients. In this conversation, you apologized to Mr. Shalant.

In the afternoon session, you directed Mr. Shalant to make a written specific offer of proof as to exactly what Mr. Shalant proposed to show in his examination of each witness. After Mr. Shalant had been writing for an hour and a half, you resumed the bench without giving the slightest hint of having read Mr. Shalant's incomplete written offer of proof. When the deputy district attorney twice attempted to frame a stipulation regarding the chemist's testimony, you tersely stated: "The stipulation is unsatisfactory to the Court." When the deputy district attorney inquired as to where the stipulation was unsatisfactory, you stated: "You will not cross-examine the court." You then insisted on the chemist's presence at 8 p.m. A recess was held until he arrived. At about 8 p.m., Mr. Shalant requested the opportunity to leave the courtroom

to go down to the food machines on another floor to grab a bite to eat since he had not had dinner. You denied this request of Mr. Shalant.

At the end of the preliminary hearing, Mr. Shalant made a motion to dismiss and cited authorities in support thereof. When Mr. Shalant alluded to the facts and attempted to quote from these authorities, you repeatedly threatened to hold Mr. Shalant in contempt.

3. The allegations contained in paragraph A, subparagraph 4, concerning the preliminary hearing of People v. Moore, Case No. A-298498, are hereby incorporated by this reference as if fully set forth herein.

4. The allegations contained in paragraph B, subparagraph 2, concerning the preliminary hearing of People v. Nelson, Case No. A-297879, are hereby incorporated as if fully set forth herein.

5. The allegations contained in paragraph D, subparagraph 1, concerning the preliminary hearing of People v. Conway, Case No. A-297965, are hereby incorporated as if fully set forth herein.

6. The allegations contained in paragraph D, subparagraph 3, concerning the preliminary hearing of People v. Davis and Timmons, Case No. A-296576, are hereby incorporated as if fully set forth herein.

G. You unlawfully ordered the court reported to delete material from preliminary hearing transcripts, to wit:

1. In the original transcript of People v. Moore, Case No. A-298498, you ordered the reporter to delete the following material:

> "Now, Paul James did that to me, and he had better not do that again, and none of you had better do that to me again, lying to me in open court.
>
> "...
>
> "I have had this practiced on me by Public Defender after Public Defender, and in particular participated in by Paul James of your Office who lies to me in open court."

H. You have engaged in bizarre conduct, to wit:

1. On or about June 15, 1966, you displayed a newly decorated pink chamber to the news media. In an interview to the news media on May 17, 1967, you advocated a derringer and a hat pin as weapons for women attacked. For this and other exhibitionist conduct, the Municipal Court Judges of the Los Angeles Judicial District, on May 23, 1967, passed an unprecedented resolution criticizing your deportment as a judge. On May 31, 1967, you charged in the news media that your colleagues on the bench were guilty of judicial immorality, intemperance, inability, absenteeism and unpunctuality. The foregoing conduct of yours, inter alia, became the subject of a letter to you from the Commission on Judicial Qualifications, dated July 5, 1967.

2. In 1972, before September of that year, while in Division 40 of the old Hall of Justice, you kept a mechanical canary in your chambers. Your bailiff was instructed to play it almost every day. You kept the door of the chambers open, and the chirping of the mechanical canary was audible throughout the courtroom.

3. In the summer and fall of 1972, and early part of 1973, you brought a small dog to the courthouse. Almost every day, you carried the dog to the bench while court was in session.

4. From approximately September of 1972 through March of 1973, you made arrangements for Reverend William T. Blackstone to use the interview room which was adjacent to the lock-up to your courtroom. The Public Defender's Office and the bailiffs were instructed that all of those in custody were to speak to Reverend Blackstone. On occasion, you directed some persons in open court to see Reverend Blackstone. You made arrangements that Reverend Blackstone was to receive seven to eight hundred dollars a month for his services from private sources.

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COUNT TWO

For a further and separate cause of action, you are also charged in Count Two with conduct prejudicial to the administration of justice that brings the judicial office into disrepute. In support of this cause of action, paragraphs A through H of Count One are hereby incorporated by this reference as if fully set out herein.

You have the right to file written answer to the charges against you within 15 days after service of this notice upon you with the Commission on Judicial Qualifications, Room 3041 State Building, 350 McAllister Street, San Francisco, California 94102. Such answer must be verified, must conform in style to subdivision (3) of Rule 15 of the Rules on Appeal, and must consist of an original and 11 legible copies.

By Order of the Commission of Judicial Qualificiations.

Dated: July 8, 1974

CHAIRMAN

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge, No. 18	AMENDMENT OF NOTICE OF FORMAL PROCEEDINGS

TO: JUDGE NOEL CANNON

The Notice of Formal Proceedings is hereby amended to add the following charge as Count I, Paragraph H, Subparagraph 5, to read as follows:

5. Miss Denise Belfrey was a necessary percipient witness in the case of People v. William Clay Coleman, No. A-309386, a prosecution for violation of section 6201 of the Government Code. At the time of the preliminary hearing, she was employed in Washington, D.C. She voluntarily agreed to come to Los Angeles at county expense and to testify for the prosecution at the preliminary hearing. On August 7, 1974, Miss Belfrey did so testify and you held the defendant to answer. Following the preliminary hearing, Los Angeles District Attorney Investigator Robert W. Ewen sought to have you sign a voucher of $52.00 for meals, lodging, and witness fees to which Miss Belfrey was lawfully entitled. You tore up this voucher. In ensuing conversations with Mr. Ewen, you stated that Miss Belfrey was stupid and incompetent and was an accomplice to the aforementioned charge. You further said that

Miss Belfrey was sexually interested in the defendant. You warned Mr. Ewen not to have an affair with Miss Belfrey. All of the foregoing comments concerning Miss Belfrey were without justification. You warned Mr. Ewen that nothing you said should leave your chambers and that if he failed to comply with this order you would hold him to answer.

By Order of the Commission of Judicial Qualifications.

Dated: August 28, 1974

Bertram D. Tweed
CHAIRMAN

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge, No. 18	SECOND AMENDMENT OF FORMAL PROCEEDINGS

TO: JUDGE NOEL CANNON

The Notice of Formal Proceedings is hereby amended to add the following charge as Count I, Paragraph H, Sub-paragraph 6, to read as follows:

6. During the early evening of June 7, 1974, you made several complaints about noise in your apartment to the management of Bunker Hill Towers. At 8:20 p.m., George Wright, Operations Manager; Elton Neal, Maintenance Engineer; John Woods, Security Guard, appeared at your apartment. For the next half hour, you ranted and screamed, directing profanities at Mr. Wright. In the midst of your rage you stated to Mr. Wright, "I'm going to shoot you, George, you son of bitch. And you are going to slowly die." During the prior two months you had made two other threats to kill Mr. Wright. ~~During this period of time you also threatened to shoot the tenant in the apartment immediately above you, whom you claimed was responsible for the noise in your apartment.~~ J.H.K. 5-2

The Notice of Formal Proceedings is further amended to add the following charge as Count I, Paragraph C,

Subparagraph 7, to read as follows:

7. On August 22, 1972, defendant Delbert Farrell appeared in Division 40 for arraignment on a burglary charge in Case No. A-287661. Bail had been set at $1,500. After a motion to be released on his own recognizance was denied, Mr. Farrell acted in a disgusted manner. You raised bail to $5,000 and then to $10,000. Mr. Farrell said, in effect, "I don't care what you raise it to" as he left the courtroom for the lock-up. You raised bail to $20,000. After Mr. Farrell left the courtroom, you said, in effect, "and if you want fifty, we'll make it $50,000." You then set bail at $50,000. Mr. Farrell's only prior posted record was one conviction for a violation of Health and Safety Code section 11911. A request to calendar the case on August 23, 1972 for a bail motion was denied by you.

Dated: September 30, 1974

Charles H. Older
Presiding Master